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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,396	07/13/2001	Patrick H. Hayes	81230.62US4	5769
34018	7590	01/24/2005	EXAMINER	
GREENBERG TRAURIG, LLP			CHEN, ALAN S	
77 WEST WACKER DRIVE			ART UNIT	PAPER NUMBER
SUITE 2500				
CHICAGO, IL 60601-1732			2182	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/905,396	HAYES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alan S Chen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,9,10,12-33 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-4,9,10 and 22-33 is/are allowed.
- 6) Claim(s) 12-21 and 56-61 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED FINAL ACTION**

### ***Response to Arguments***

1. Any rejection not addressed in this Office Action has been withdrawn.
2. Applicant's arguments and amendment, filed 12/21/2004, with respect to claims 1-4, 9, 10 and 22-33 have been fully considered and are persuasive. The rejections of claims 1-4, 9, 10 and 22-33 has been withdrawn.
3. Applicant's arguments and amendments filed 12/21/2004, with respect to claim(s) 12, 15-21 and 13, 14, 56-61 have been fully considered but they are not persuasive. Examiners reasons are given below.

### ***Rejections under 35 USC § 102(b)***

#### **Claims 12, 15-21, 13, 14, 56-61**

4. Applicant arguments against Allport is under the given premise that Allport does not store within the HTML page itself what infrared code is to be transmitted, such that the page by itself as oppose to the remote control, defines what infrared code is to be transmitted from the remote control. Applicant admits however, that Allport does teach the activation/selection of an infrared code when an area of the touch screen overlaying an HTML generated button is touched (remarks, page 15, first paragraph).

Examiner contends that under the broadest reasonable interpretation of the claims dictated by the patent law, this precisely anticipates the language used in independent claim 12 and 13. The related limitation in claims 12 and 13 recite "...retrieving a mark-up language formatted page containing both the information and a mark-up language formatted page tag including data (pointer to data, in claim 12) for use in generating an infrared code to be transmitted upon activation of a hyperlink...". The HTML button and associated code is a requirement for the generation of the infrared code. Without the data(pointer associated with the HTML code that links it to what drives the infrared hardware device, the infrared signal code cannot be generated.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 12-21 and 56-61 are rejected under 35 U.S.C. 102(e) as being anticipated by No. 6,104,334 to Allport.

7. As per claims 12 and 13, Allport discloses a computer-readable media having computer executable instructions for displaying information in a display (Column 24, lines 33-65), the instructions performing steps comprising: retrieving a mark-up language formatted page containing both the information and a mark-up language formatted page tag including a pointer to data (Claim 12, just data for claim 13) for use in generating an infrared code to be transmitted upon activation of a hyperlink of the mark-up formatted language page when the mark-up language formatted page is displayed on a display (Column 30, lines 9-16 indicate IR commands accessed on GUI); displaying the mark-up language formatted page including the hyperlink in the display (Fig. 15); determining if the hyperlink has been activated (if hyperlink pressed or not pressed), if the hyperlink has been activated (hyperlink pressed), initiating a use of the data/pointer to data (HTML code causes the driver of the infrared hardware to send out specific code related to hyperlink) in the mark-up language page tag and a transmission of the infrared code to a consumer appliance (Fig. 11, if a link is pressed, e.g., pause song, command is sent to music player consumer application).

8. As per claims 14 and 15, Allport discloses claims 12 and 13, wherein the mark-up language page is representative of a media guide (Fig. 10).

9. As per claims 16 and 56, Allport discloses claims 14 and 15, wherein the activation of the hyperlink is representative of a television channel (Fig. 5).

10. As per claims 17 and 57, Allport discloses claims 14 and 15, wherein activation of the hyperlink is used to transmit a command to tune the consumer appliance to a radio channel (Column 27, lines 9-16).

11. As per claims 18 and 58, Allport discloses claims 14 and 15, wherein activation of the hyperlink is used to transmit a command to tune the consumer appliance to a CD track (Fig. 8, element 255).

12. As per claims 19 and 59, Allport discloses claims 14 and 15, wherein activation of the hyperlink is used to transmit a command to tune the consumer appliance to a DVD chapter (Column 16, lines 28-60).

13. As per claims 20 and 60, Allport discloses claims 12 and 13, wherein the tag includes information indicative of a label, the label being displayable as a representation of the hyperlink (inherently part of HTML, where there are two fields, link and label of the link to display to the user e.g., <a href="some address">label link here</a>).

14. As per claims 21 and 61, Allport discloses claims 12 and 13, wherein the information in the mark-up language formatted page depicts a representation of a user interface of a remote control and the hyperlink is included as part of the user interface of the remote control (Fig 3 and Column 24, lines 33-44).

***Allowable Subject Matter***

15. Claims 1,2,3,4,9,10 and 22-33 allowed.

The following is the statement of reasons for the indication of allowable subject matter:

The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, a computer-readable media having computer-executable instructions the comprises determining if the retrieved mark-up language formatted page includes a mark-up language formatted full screen page tag and if the retrieved mark-up language formatted page fails to include the mark-up language formatted full screen page tag, displaying a part of the information of said page within the display providing a set of navigational controls , if the received mark-up language formatted page includes a mark-up language formatted full screen page tag, displaying all the information of said page as full screen without providing the set of navigational controls (claims 1 and 2); a computer data signal, readable media involving mark-up language formatted page tag, comprising a first data field containing pointer to data for use in generating an infrared code to be transmitted upon activation of a hyperlink related to a page tag when the page is displayed on a display and a second data field representing a label which is displayed on the display wherein a displayed label serves as the hyperlink, wherein the label serves as the hyperlink activatable to initiation a user of the pointer data within the first data field and a transmission of the infrared code (claims 3,4,9,10 and 22-33).

*Conclusion*

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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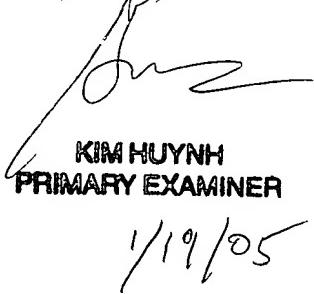
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC  
1/14/2005



KIM HUYNH  
PRIMARY EXAMINER  
1/19/05